



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

FEB 29 2012

Dr. Robert Moser
Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson, Suite 540
Topeka, Kansas 66612-1368

Dear Dr. Moser:

RE: Approval of TMDL document for Perry Lake and Perry Lake Wildlife Area Wetland

This letter responds to the submission from the Kansas Department of Health and Environment, originally received by the U.S. Environmental Protection Agency, Region 7, on October 5, 2011, for a Total Maximum Daily Load document which contained TMDLs for eutrophication and dissolved oxygen. Perry Lake and Perry Lake Wildlife Area Wetland were identified on the 2010 Kansas Section 303(d) List as impaired. This submission fulfills the Clean Water Act statutory requirement to develop TMDLs for impairments listed on a state's § 303(d) list. The specific impairments (water body segments and pollutants) are:

<u>Water Body Name</u>	<u>WBID</u>	<u>Pollutants</u>
Perry Lake	KS-KR-03-LM029001	Eutrophication
Perry Lake Wildlife Area Wetland	KS-KR-03-LM029041	Eutrophication
Perry Lake Wildlife Area Wetland	KS-KR-03-LM029041	Dissolved Oxygen

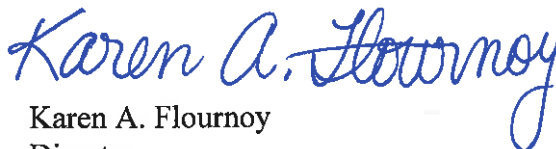
The EPA has completed its review of the TMDL document with supporting documentation and information. By this letter, the EPA approves the submitted TMDLs. Enclosed with this letter is the Region 7 TMDL Decision Document which summarizes the rationale for the EPA's approval of the TMDLs. The EPA believes the separate elements of the TMDLs described in the enclosed document adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety. Although the EPA does not approve the monitoring plan submitted by the state, the EPA acknowledges the state's efforts. The EPA understands that the state may use the monitoring plan to gauge the effectiveness of the TMDL and determine if future revisions are necessary or appropriate to meet applicable water quality standards.

The EPA is currently in consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service regarding this TMDL document. While we are approving these TMDLs at the present time, we may decide that changes to the TMDL document are warranted based upon the results of the consultation when it is completed.



The EPA appreciates the thoughtful effort that the Kansas Department of Health and Environment has put into these TMDLs. We will continue to cooperate with and assist, as appropriate, in future efforts by the KDHE to develop TMDLs.

Sincerely,



Karen A. Flournoy

Director

Water, Wetlands and Pesticides Division

Enclosure

cc: Mr. John Mitchell, Director, Division of Environment, KDHE
Mr. Tom Stiles, KDHE